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9 Attorneys for Plaintiff JENS ERIK SORENSEN,
10 as Trustee of SORENSEN RESEARCH AND
DEVELOPMENT TRUST

11 UNITED STATES DISTRICT COURT
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

13 JENS ERIK SORENSEN, as Trustee of
14 SORENSEN RESEARCH AND
15 DEVELOPMENT TRUST,

16 Plaintiff,

17 v.

18 HELEN OF TROY Texas Corporation;
19 OXO International Ltd.; and DOES 1-
20 100,

21 Defendants.

) Case No. 07-CV-02278-BTM-CAB

)

) **NOTICE OF MOTION AND**
) **PLAINTIFF'S MOTION FOR**
) **EXCEPTION TO STAY TO**
) **PRESERVE EVIDENCE**

)

) Date: October 31, 2008

) Time: 11:00 a.m.

) Courtroom 15 – 5th Floor

) The Hon. Barry T. Moskowitz

)

) ***NO ORAL ARGUMENTS UNLESS***
) ***REQUESTED BY COURT***

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1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on October 31, 2008, at 11:00 a.m. or as soon
3 thereafter as this matter may be heard before the Honorable Barry T. Moskowitz,
4 Plaintiff Jens Erik Sorensen, as Trustee of Sorensen Research & Development Trust,
5 will move and hereby does move this Court for an order granting Plaintiff's Motion
6 for Exception to Stay to Preserve Evidence.

7 This motion is made on the following grounds:

8 1. Plaintiff believes the preservation of evidence is necessary and that
9 delay until completion of the '184 patent reexamination creates the risk of loss of
10 evidence;

11 2. Defendants are unwilling to informally agree to the relief requested; and

12 3. The Court has entered identical relief in more than six related cases on
13 the same issue.

14
15 DATED this Thursday, September 11, 2008.

16
17 JENS ERIK SORENSEN, as Trustee of
18 SORENSEN RESEARCH AND DEVELOPMENT
19 TRUST, Plaintiff

20 /s/ Melody A. Kramer

21 Melody A. Kramer, Esq.

22 J. Michael Kaler, Esq.

23 Attorneys for Plaintiff
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PROOF OF SERVICE

I, Melody A. Kramer, declare: I am and was at the time of this service working within in the County of San Diego, California. I am over the age of 18 year and not a party to the within action. My business address is the Kramer Law Office, Inc., 9930 Mesa Rim Road, Suite 1600, San Diego, California, 92121.

On Thursday, September 11, 2008, I served the following documents:

NOTICE OF MOTION AND PLAINTIFF'S MOTION FOR EXCEPTION TO STAY TO PRESERVE EVIDENCE

PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR EXCEPTION TO STAY TO PRESERVE EVIDENCE

DECLARATION OF MELODY A. KRAMER IN SUPPORT OF PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR EXCEPTION TO STAY TO PRESERVE EVIDENCE

PERSON(S) SERVED	PARTY(IES) SERVED	METHOD OF SERVICE
Erik B. Von Ziepel Christopher Larkin Seyfarth Shaw LLP 2029 Century Park East, Suite 3300 Los Angeles, CA 90067 evonzeipel@seyfarth.com	Helen of Troy Texas Corporation; Oxo International Ltd.	Email--Pleadings Filed with the Court via CM/ECF

☒ (Email--Pleadings Filed with the Court) Pursuant to Local Rules, I electronically filed this document via the CM/ECF system for the United States District Court for the Southern District of California.

☐ (U.S. Mail) I mailed a true copy of the foregoing documents to a mail address represented to be the correct mail address for the above noted addressee.

I declare that the foregoing is true and correct, and that this declaration was executed on Thursday, September 11, 2008, in San Diego, California.

/s/ Melody A. Kramer

Melody A. Kramer